

SN 10/090,971
Page 5

REMARKS

Reconsideration of this application in view of the claim amendments and the following remarks is respectfully requested. Claims 1-15 are pending.

The examiner has stated that claims 14 and 15 are allowed. Applicants respectfully acknowledge allowance of these claims.

Claims 1, 4 and 8 were rejected under 35 U.S.C. §102(e) as being anticipated by Slemker et al. (US 6,287,345 B). Claim 1 has been amended to recite a valveless plate/socket attachment in an artificial limb, including a plate attached to the pylon and to the socket, the plate having a first surface and a second surface; a vacuum passage through the plate between the first surface and the second surface; and a vacuum outlet in the second surface for attachment of the vacuum source, wherein the plate does not require a valve associated with it. Support for this amendment is found in Paragraph 0136 in the published version of the present application, US 2002/0091449 A1.

Applicants clearly distinguish over the valve assemblies of Slemker et al., wherein every embodiment requires a valve 58, 92, 92', 92", etc., associated with the attachment plate 16 between a pylon 14 and a limb socket 12. [Fig. 1; Col. 6, Lines 23-27; Col. 4, Lines 20-26] As stated in the Summary of the Invention, Slemker et al. teaches a "valve assembly for a prosthetic limb which responds to the problems associated with the prior prosthetic limb devices and valve systems." [Col. 3, Lines 2-4] Slemker et al. fails to teach or suggest a plate for attachment between a socket and a pylon that does NOT require a valve associated with it, and thus does not anticipate amended claim 1. On the contrary, Slemker et al. clearly teaches away from such a plate by its teaching of a "valve assembly" as the invention. Applicants, therefore, respectfully request withdrawal of the rejection and allowance of the claim.

Claims 4 and 8 depend from amended claim 1 and thus are allowable for at least the same reasons. Applicants respectfully request withdrawal of the rejection and allowance of these claims.

SN 10/090,971
Page 6

Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Slemker et al. Claims 9 and 10 depend from amended claim 1 and thus are allowable for at least the same reasons. Applicants respectfully request withdrawal of the rejection and allowance of these claims.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Slemker et al., in view of Fishman et al. (US 5,007,937). Claim 7 depends from amended claim 1 and thus is allowable for at least the same reasons. Applicants respectfully request withdrawal of the rejection and allowance of this claim.

Claims 3, 5, 6 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Slemker et al., in view of Caspers (US 5,735,906). Claims 3, 5, 6 and 11 depend from amended claim 1 and thus are allowable for at least the same reasons. Applicants respectfully request withdrawal of the rejection and allowance of these claims.

Claims 2, 12 and 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2, 12 and 13 depend from allowable amended claim 1, and thus are allowable for at least the same reasons. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of these claims.

SN 10/090,971
Page 7

CONCLUSION

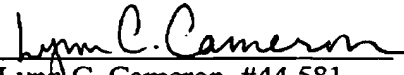
All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

No fee is believed to be necessary for the entry of this paper. Should any fee be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and, in such event, is requested to notify us of the same.

Respectfully Submitted,

CARL A. CASPERS et al.

By:


Lynn C. Cameron, #44,581
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
612/766-8073

Dated: March 31, 2004

M2:20606307.01